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PATENT APPLICATION

Attorney Docket No: 10005102-1

**IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s): Whitmarsh et al.

Confirmation No.: 8298

Serial No: 09/829,049

Examiner: Bonshock, Dennis G.

Filing Date: 04/10/2001

Group Art Unit: 2173

Title: Extensible User Interface

**Mail Stop Appeal Brief - Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450**

TRANSMITTAL OF APPEAL BRIEF (SUBSTITUTE)

Sir:

Transmitted herewith is the Appeal Brief (Substitute) in this application with respect to the Notice of Appeal filed on 12/12/2005 and the Notification of Non-Compliant Appeal Brief (37 CFR 41.37) mailed on 10/12/2006.

Charge \$0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 pursuant to 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. If the amount to be charged (listed above) is non-zero, a duplicate copy of this transmittal is enclosed.

Respectfully Submitted,
Whitmarsh et al.

By: 


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Date: 10/30/06

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

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Customer No.	: 022879)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

APPELLANTS' APPEAL BRIEF (SUBSTITUTE)

Sir:

Appellants are appealing from the Final Rejection of claims 31-53 in an Office Action dated 09/19/2005. This Substitute Appeal Brief is filed in response to the Notification of Non-Compliant Appeal Brief mailed 10/12/2006.

I. REAL PARTY IN INTEREST

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of

HPDC is HPQ Holding, LLC.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to the real party in interest which will directly affect or be directly affected by, or have a bearing on, the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 31-53 are pending. All of claims 31-53 stand finally rejected. The Appellants appeal the final rejection of claims 31-53

IV. STATUS OF AMENDMENTS

No response was filed subsequent to final rejection.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The claimed subject matter relates to a network-based user interface system 100. In one embodiment, and with reference to Fig. 2 (reproduced below), various elements 130,140,150 are located at different nodes on a network 110. The network 110 may be the Internet, a local area network, a wide area network, or other similar networks (p.6, lines 14-19). The nature of such a network 110 allows the various elements 130,140,150 to be located at a distance from each other.

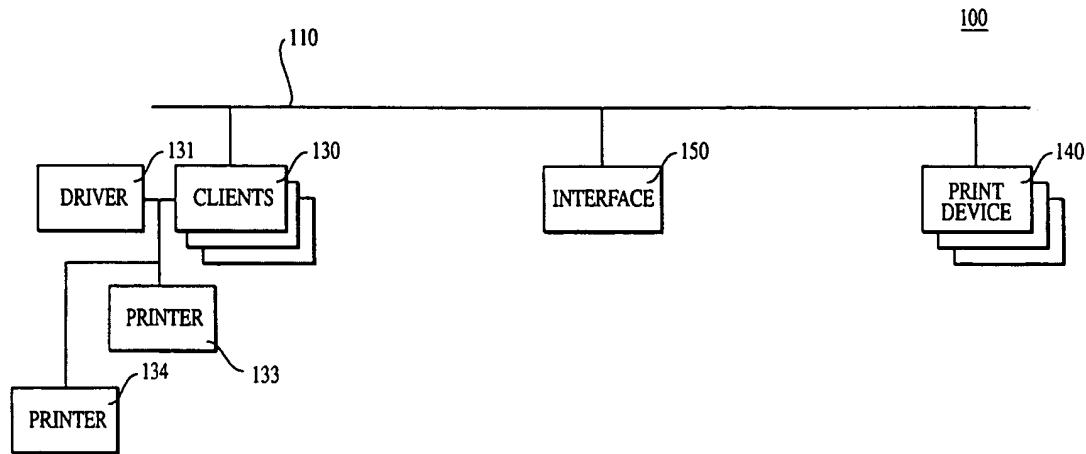


FIG. 2

In the network-based user interface system 100, an extensible resource interface 150 is located at a first network node. The extensible resource interface 150 is adapted for coupling to a plurality of client devices 130. Each client device 130 is located at one of a plurality of second network nodes that is different from the first network node at which the extensible resource interface 150 is located. The client devices 130 may include personal computers; larger computer systems, including file servers; other networked computer systems; personal digital assistants (PDAs); or similar hand-held computing technology (specification, p.6, lines 20-23).

The system 100 also includes one or more resources that are located on the network 110 at locations other than the first network node at which the extensible resource interface 150 is located. Various resources include devices that support operations such as printing, e-mail, facsimile transmission, and other operations (specification, p.6, lines 7-13).

One resource is a print device 140. The system 100 may include multiple print devices 140. A print device 140 is located at a third network node that is different from the first network node and different from the plurality of second network nodes. Another

resource is a local printer, such as one of printers 133,134, which is attached to one of the client devices 130 and thus located on the network 110 at the same one of the plurality of second network nodes as the associated client device 130. The resources may include a number of different printer models (specification, p.7, lines 1-4).

Considering the extensible resource interface 150 in greater detail, and with reference to Fig. 3 (reproduced below), in one embodiment the extensible resource interface 150 may be implemented as a print options server, a web site server, a standalone computer, a LAN server, or another centrally-located computing resource (specification, p.8, lines 11-13).

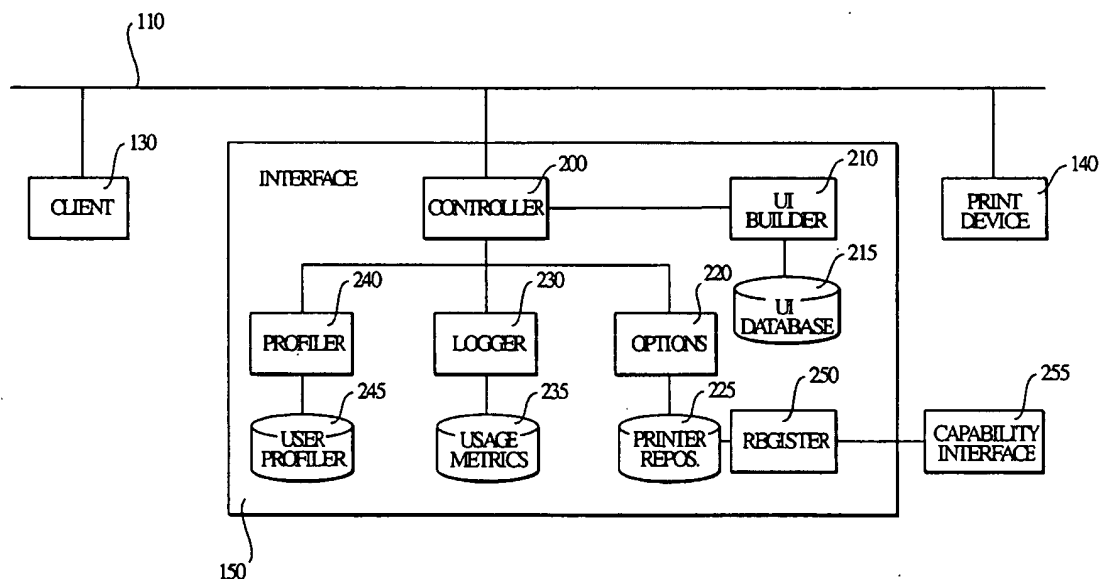


FIG. 3

The extensible resource interface 150 includes a number of elements. A register 250 is configured to collect resource information from one or more resources, such as print device 140 or printers 133,134, that are located on the network 110 at locations other than the first network node. The resource information, such as printer capability data for example, may be stored in a printer repository 225 (specification, p.8, lines 19-28, and p.11, lines 7-10).

An options module 220 is configured to provide resource options based on the

resource information. For example, the options module 220 may use stored data from the printer repository 225 indicating that a new print device is capable of duplex printing to construct a suite of printer features that includes a new duplex print option (specification, p.11, lines 11-15).

A user profiler 240 is configured to construct profiles for at least some of the client devices 130, each profile indicative of client-specific resource options. To construct the profiles, the profile module 240 records user information into a profiles database 245. Each time a client 130 interacts with the interface 150, the profile module 240 may record the print options that are used by the client 130, along with the client's identity. These options may include, for example, the type of printer selected, print language, paper size and layout, and paper quality. The user profiler 240 may also record any print options made by the controller 200 (specification, p.9, line 15 – p. 10, line 2).

A user interface builder 210 is configured to construct from the resource options and a particular one of the profiles a customized user interface for display by the corresponding one of the client devices. The customized user interface is indicative of the corresponding client-specific resource options, which may be recorded by the user profiler 240 for the particular client device 130. The user interface may be dynamically constructed by the user interface builder 210 by using data from the printer repository 225, the user profile database 245, and other databases to create the user interface. In some situations, the user interface construction may be partly completed, using information in these databases, in advance of a client device 130 submitting a print job request, with the remainder of the user interface dynamically developed (specification, p.12, lines 14-23).

The user interface builder 210 is further configured to provide the customized user interface through the controller 200 to the corresponding client device 130 over the network 110. The user interface provided by the user interface builder 210 may be stored on the client device 130 for an indefinite time, or may exist on the client device 130 only for a limited time (specification, p.12, line 27 – p.13, line 2).

In another embodiment, extensible resource interface 150 of the network-based user

interface system 100 includes means for collecting resource information from one or more resources 140,133,134 located at other than the first network node. The structure corresponding to the collecting means is the register 250, illustrated in Fig. 3. The register 250 is described in the specification at page 8, lines 19-29, and page 11, lines 7-8 and 13-14.

The extensible resource interface 150 also includes means for providing over the network 110 from the extensible resource interface 150 to a particular one of the client devices 130 a customized user interface for a particular one of the resources 140,133,134, where the customized user interface is based on the resource information and on user preferences associated with the particular one of the client devices 130, and where the customized user interface is further displayable by the particular one of the client devices 130.

The structure corresponding to the providing means is the combination of the options module 220, the user profiler 240, and the user interface builder 210. The options module 220, illustrated in Fig. 3, is described in the specification at page 11, lines 11-19. The user profiler 240, illustrated in Fig. 3, is described in the specification at page 9, line 15 – page 10, line 2, and at page 14, lines 13-14. The user interface builder 210, illustrated in Fig. 3, is described in the specification at page 9, lines 1-14; page 11, lines 1-6 and 23-26; page 12, line 17 – page 13, line 4; and page 13, line 26 – page 14, line 9.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 31-34, 36-39, 41-45, and 47-53 have been rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 5,832,298 by Sanchez et al. (“Sanchez”).

Claim 35 has been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,832,298 by Sanchez et al. (“Sanchez”) in view of UK patent application publication GB 2,347,766 by Wilson (“Wilson”).

Claim 40 has been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,832,298 by Sanchez et al. (“Sanchez”) in view of U.S. Patent No. 6,232,968 by Alimpich et al. (“Alimpich”).

Claim 46 has been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S.

Patent No. 5,832,298 by Sanchez et al. ("Sanchez").

Claims 31-43, 45-48, and 51 stand or fall together.

Claim 44 stands or falls alone.

Claim 49 stands or falls alone.

Claim 50 stands or falls alone.

Claims 52-53 stand or fall together.

VII. ARGUMENT

A. Claims 31-34, 36-39, 41-43, 45, 47-48, and 51 were improperly rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No 5,832,298 by Sanchez et al. ("Sanchez"); claim 35 was improperly rejected under 35 U.S.C. §103(a) as being unpatentable over Sanchez in view of UK patent application publication GB 2,347,766 by Wilson ("Wilson"); claim 40 was improperly rejected under 35 U.S.C. §103(a) as being unpatentable over Sanchez in view of U.S. Patent No. 6,232,968 by Alimpich et al. ("Alimpich"); and claim 46 was improperly rejected under 35 U.S.C. §103(a) as being unpatentable over Sanchez .

As to a rejection under 102(b), "[a]nticipation requires that all of the elements and limitations of the claim are found within a single prior art reference." *Scripps Clinic & Research Found. v. Genentech Inc.*, 18 USPQ 2d 1001, 1010 (Fed. Cir. 1991). "[F]unctional language is, of course, an additional limitation in the claim. *K-2 Corp. v. Salomon S.A.*, 52 USPQ 2d 1001, 1004 (Fed. Cir. 1999) (citing *Wright Med. Tech., Inc. v. Osteonics Corp.*, 43 USPQ 2d 1837, 1840 (Fed. Cir. 1997)). The standard for lack of novelty, that is for "anticipation," is one of strict identity. *Schroeder v. Owens-Corning Fiberglass Corp.*, 514 F.2d 901, 185 U.S.P.Q. 723 (9th Cir. 1975); and *Cool-Fin Elecs. Corp. v. International Elec. Research Corp.*, 491 F.2d 660, 180 U.S.P.Q. 481 (9th Cir. 1974). The identical invention

must be shown in as complete detail as is contained in the claim. Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Appellants contend that independent claim 31, and its dependent claims 32-43, 45-48, and 51, were improperly rejected because the Sanchez reference does not disclose all the elements and limitations of the claims.

1. The Sanchez reference does not disclose all the elements and limitations of Appellants' independent claim 31 in that an extensible resource interface at a first network node that collects resource information from a resource located at other than the first network node, and that provides a customized user interface to a client device at a second network node, is absent from the reference.

Independent claim 31 recites:

“31. A network-based user interface system, comprising:
an extensible resource interface located at a first network node and adapted for coupling to a plurality of client devices each located at one of a plurality of second network nodes different from the first network node, the extensible resource interface including
 a register configured to collect resource information from one or more resources located at other than the first network node;
 an options module configured to provide resource options based on the resource information;
 a user profiler configured to construct profiles for at least some of the client devices, each profile indicative of client-specific resource options; and
 a user interface builder configured to construct from the resource options and a particular one of the profiles a customized user interface for display by the corresponding one of the client devices and further configured to provide the customized user interface to the corresponding one of the client devices over the network, the customized user interface indicative of the corresponding client-specific resource options.” (emphasis added)

Claim 31 recites a network topology in which an extensible resource interface is located at a first network node, a plurality of client devices are each located at one of a plurality of second network nodes different from the first network node, and resources from which the extensible resource interface (via its register) collects resource information are

located at other than the first network node. Such a topology is illustrated in Fig. 2, reproduced heretofore, for extensible resource interface 150, client devices 130, and resources 140,133,134.

The Sanchez reference, whose Fig. 1 is reproduced below, has a significantly different network topology.

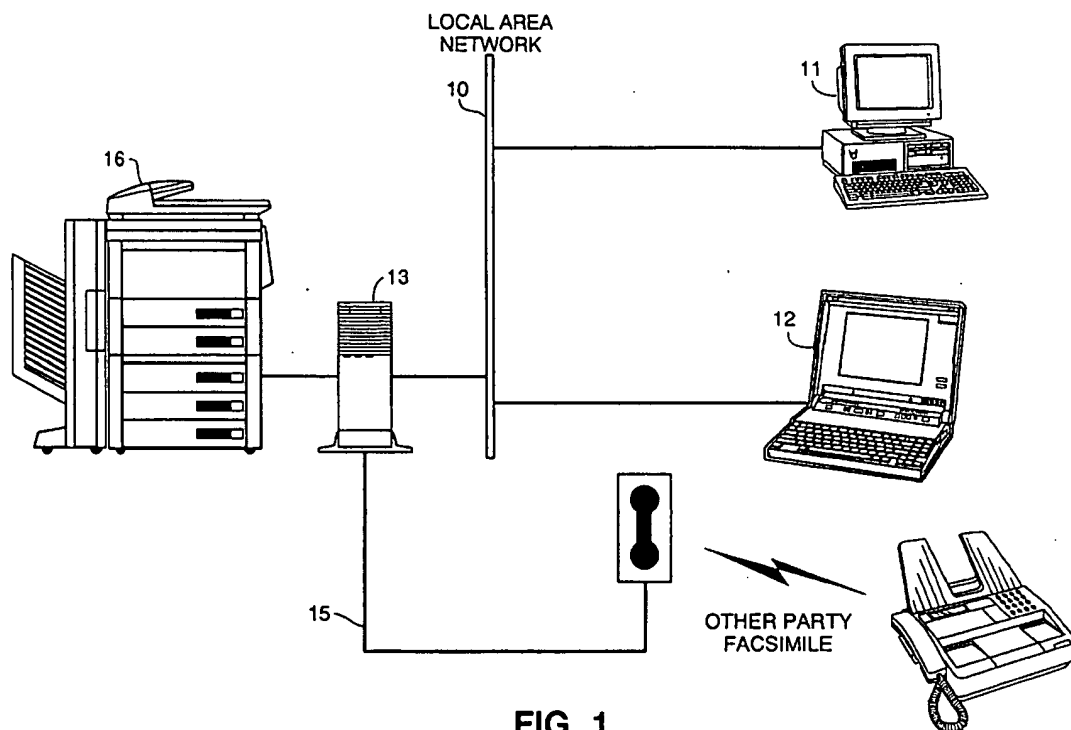


FIG. 1

It is noted that the only devices directly connected to the local area network 10 of the Sanchez reference are computing equipment 11, laptop computer 12, and multi-device controller (MDC) 13. The MDC 13 is also connected to digital copier 16. Digital copier 16 is not connected directly to the network 10, but rather is connected to a core board 41 (Fig. 3) of MDC 13 via an interface bus of digital copier 16. A network interface board 45 (Fig. 3) of MDC 13 permits core board 41 and MDC 13 to access the local area network 10 (Sanchez, col. 6, lines 19-33). To whatever extent copier 16 may be associated with a network node, it

is associated with the same network node as that of MDC 13.

Computing equipment 11 and laptop computer 12 are analogous to client devices. Copier 16 is analogous to a resource. If the extensible resource interface is considered to be located at the network node of MDC 13, then claim 31 is not anticipated by the Sanchez reference in that the extensible resource interface is located at the same network node as the resource. If the extensible resource interface is considered to be located at either computing equipment 11 or laptop computer 12, then claim 31 is not anticipated by the Sanchez reference in that the extensible resource interface is located at the same network node as a client device.

In the final rejection, and with regard to the limitation of “a register configured to collect resource information from one or more resources located at other than the first network node”, the Office stated that Sanchez teaches “requesting and receiving configuration and capabilities information located at a different node in the network” (Office Action, p.3, paragraph 10). The cited portion of Sanchez states: “The method includes the steps of requesting from a user's work station a current configuration and current capabilities of a digital copier, transmitting, in response to the request, an interrogation command to the digital copier over the local area network, receiving from the digital copier current configuration and capabilities information of the digital copier” (Sanchez, col. 2, lines 35-41). However, this interpretation would place the register, and thus the extensible resource interface, at the same network node as the user's workstation, which is the client device. This is contrary to the limitations recited in claim 31.

Then with regard to the limitation of “a user interface builder ... configured to provide the customized user interface to the corresponding one of the client devices over the network”, the Office stated that Sanchez teaches “receiving from a network peripheral device, instructions as to how to create, build, and display a graphical user interface for the ... networked peripheral device” (Office Action, p.3, paragraph 10). The cited portion of Sanchez is claim 5: “5. A method according to claim 1, wherein, in the receiving step, the information received from the networked peripheral device includes instructions as to how to create, build and display a graphical user interface for the current configuration and current

capabilities of the networked peripheral device.” However, this interpretation would place the extensible resource interface at MDC 13, which is the same network node as copier 16, which is the resource. Not only is this contrary to the limitations recited in claim 31, it is also inconsistent with the interpretation advanced by the Office with regard to the register.

It is further noted that there is no teaching in the Sanchez reference that computing equipment 11 and laptop computer 12 interoperate in any way to implement the Sanchez method. Rather, the purpose of illustrating two computers apparently was to show that the invention could be used with computers of different size, capability, and portability. “The present invention can be embodied in any one of computers 11 or 12. However, for the purpose of simplicity, the present invention will be described with respect to computing equipment 11” (Sanchez, col. 5, lines 18-21).

Accordingly, the Sanchez reference does not disclose all the elements and limitations recited in Applicants’ claim 31, or in its dependent claims 32-43, 45-48, and 51. Therefore, the rejection is improper at least for this reason and should be withdrawn.

2. The Sanchez reference does not disclose all the elements and limitations of Appellants’ independent claim 31 in that an extensible resource interface at a first network node that constructs a customized user interface for display by a client device at a second network node, and that provides the customized user interface to the client device over the network, is absent from the reference.

Claim 31 recites that the user interface builder of the extensible resource interface located at the first network node is “configured to construct ... a customized user interface for display by the corresponding one of the client devices and further configured to provide the customized user interface to the corresponding one of the client devices” located at a second network node that is different from the first network node.

The customized user interface is constructed by the user interface builder 210 of the extensible resource interface 150 at the first network node. Once the customized user

interface has been constructed, it is then provided over the network 110 to a client device 130 at one of the second network nodes, at which the client device 130 can then display the customized user interface.

For example, with regard to a duplex option of a resource such as printing device 140, “The duplex printing capability is received by the register 250 and stored in the printer repository 225. The options module can then use this new capability to construct a new, duplex print option. The duplex print option is then provided to the UI builder 210” (specification, p.11, lines 13 - 15). Then “the UI builder 210 may dynamically construct the user interface. In effect, the UI builder 210 takes data from the user profile database 245, the usage metrics database 235, the printer repository 225, and creates the user interfaces” (specification, p.12, lines 18-20). “Working with the controller 200, the UI builder 210 provides the user interfaces to the client 130. In an embodiment, the thus-provided user interface may be stored on the client 130 for an indefinite time, or may exist on the client 130 for a limited time. The client 130 provides information from the printer driver to the selected print device 140 to initiate the print process” (specification, p.12, line 27 – p.13, line 2).

With regard to these limitations of claim 31, the Office stated that Sanchez teaches “receiving from a network peripheral device, instructions as to how to create, build, and display a graphical user interface for the ... networked peripheral device” (Office Action, p.3, paragraph 10; emphasis added). The cited portion of Sanchez is claim 5: “5. A method according to claim 1, wherein, in the receiving step, the information received from the networked peripheral device includes instructions as to how to create, build and display a graphical user interface for the current configuration and current capabilities of the networked peripheral device.”

According to the Sanchez reference, the user interface is constructed (i.e. created and built) by the client device, not by the extensible resource interface (i.e. the network peripheral device) which is located elsewhere on the network. The customized user interface itself is not provided to the client device; rather, instructions how to create and build it are what is provided. As is described in the Sanchez reference:

“According to the present invention, printer/facsimile driver 40 includes a software program, copier user interface dynamic link library (copier UIDLL) 65 shown in FIG. 4, which includes process steps to interrogate digital copier 16 for its current configuration, status and capabilities. Copier UIDLL 65 also includes libraries of copier configuration graphical images and commands, copier capabilities graphical images and commands, and libraries of user-selectable job options corresponding to configuration and capabilities of digital copier 16. Based on these libraries, copier UIDLL 65 generates and displays the current configuration and status of digital copier 16 in a graphical user interface display (to be discussed below in greater detail). The graphical user interface display not only contains a graphical representation of digital copier 16 in its current configuration, but also displays the appropriate job options which can be selected based on the current configuration and current capabilities of digital copier 16.

Thus, upon instruction from the user at the user's work station, such as computing equipment 11, copier UIDLL 65 sends a request to dynamic configuration dynamic link library (dynamic config DLL) 56 to interrogate digital copier 16 to obtain a current configuration of digital copier 16 and to obtain information relating to the capabilities of digital copier 16 at that specific time and to return that information to copier UIDLL 65. In this regard, dynamic config DLL 56 returns information or data regarding current configuration and capabilities of digital copier 16, but it is also to be understood that dynamic config DLL 56 could also return instructions to copier UIDLL 65 as to how copier UIDLL 65 should create, build and display the graphical user interface, i.e., vector graphic commands, fill patterns, geometric positional commands, bitmap identifications of bitmaps to be used, etc. When the user needs to access digital copier 16, such as when printing or scanning, copier UIDLL 65 displays to the user a graphical user interface which includes a representative graphical image of digital copier 16 with the graphical image indicating the current configuration at the specific moment the interrogation was answered by digital copier 16.” (Sanchez, col. 7, line 45 – col. 8, line.17; emphasis added).”

The above-cited section from the Sanchez reference clearly discloses that, unlike the limitations of Applicants' claim 31, the customized user interface of the Sanchez reference that is displayed on computing equipment 11 is also built on computing equipment 11. Copier UIDLL 65 and dynamic config DLL 56 are modules of printer/fax driver 40, which is stored on disk 31 of computer equipment 11 and which is executed on computing equipment 11 (Figs. 2,4). It is copier UIDLL 65 and/or dynamic config DLL 56, executing on computing equipment 11, that create, build, and display the graphical user interface on computing equipment 11.

It is further noted that an advantage of the present invention is that, when a new network resource or resource capability, such as a new print device 140 or a new printing mode for a print device 140, becomes available, only the extensible resource interface 150 need be updated in order for all client devices 130 to make use of the resource or capability. This occurs because the extensible resource interface 150, not the client device 130, constructs the customized user interface. However, because the copier UI DLL 65 of the Sanchez reference creates and builds the user interface in addition to displaying it, the copier UI DLL 65 would have to be updated on each computer 11,12 that wishes to make use of the resource or capability.

Accordingly, the Sanchez reference does not disclose all the elements and limitations recited in Applicants' claim 31, or in its dependent claims 32-43, 45-48, and 51. Therefore, the rejection is improper at least for this additional reason and should be withdrawn.

B. Claim 44 was improperly rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No 5,832,298 by Sanchez et al. ("Sanchez").

Appellants contend that claim 44 was improperly rejected because the Sanchez reference does not disclose all the elements and limitations of the claims.

1. The Sanchez reference does not disclose all the elements and limitations of Appellants' dependent claim 44 in that an extensible resource interface at a first network node that collects resource information from a printer located at other than the first network node, and that provides a customized user interface to a client device at a second network node, is absent from the reference.

Claim 44 recites:

"44. The system of claim 31, wherein the resources are printers." (emphasis added)

The term "resource" is broadly defined in independent claim 31. Dependent claim 44 limits the definition of resources to printers. While the Sanchez reference discloses a printer (Sanchez, col. 1, lines 31-37), it does not disclose, as has been argued heretofore with regard

to claim 31, that an extensible resource interface located at a first network node collects resource information from one or more printers located at other than the first network node, and provides a customized user interface for the printer to one of a plurality of client devices each located at one of plurality of second network nodes different from the first network node.

Accordingly, the Sanchez reference does not disclose all the elements and limitations recited in Applicants' dependent claim 44 and its base claim 31. Therefore, the rejection is improper at least for this reason and should be withdrawn.

C. Claim 49 was improperly rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No 5,832,298 by Sanchez et al. ("Sanchez").

Appellants contend that claim 49 was improperly rejected because the Sanchez reference does not disclose all the elements and limitations of the claims.

1. The Sanchez reference does not disclose all the elements and limitations of Appellants' claim 49 in that an extensible resource interface at a first network node that collects resource information from a resource located at a third network node, and that provides a customized user interface to a client device at a second network node, is absent from the reference.

Claim 49 recites:

"49. The system of claim 31, wherein the other network node is a third network node different from the first network node and the plurality of second network nodes." (emphasis added)

The network topology of claim 31 recites that the one or more resources are located at other than the first network node. Claim 49 further limits the location of the resources by reciting that the other network node is a third network node that is different from the first network node at which the extensible resource interface is located, and different from the plurality of second network nodes at which the client devices are located.

In the final rejection, the Office stated that "Sanchez teaches, in column 5, lines 5-16

and in figure 1, a network comprising multiple nodes” (Office Action, p.7, paragraph 25). Appellants agree that Fig. 1 discloses multiple nodes. However, the Sanchez reference does not teach the placement of system components (extensible resource interface, client devices, and resources) at the specific nodes recited in claim 49 or in its base claim 31. More specifically, the Sanchez reference does not teach that an extensible resource interface is located at a first network node, that client devices are located at second network nodes different from the first network node, and that a resource is located at a third network node different from the first and the second network nodes. Regardless of whether the Sanchez reference is interpreted as having an extensible resource interface at MDC 13 (the same network node as the resource) or at one of computers 11,12 (the same network node as the client device), the network topology of the Sanchez reference does not disclose the claimed limitations that the extensible resource interface, the client devices, and the resource are all located at different nodes on the network.

Accordingly, the Sanchez reference does not disclose all the elements and limitations recited in Applicants’ dependent claim 49 and its base claim 31. Therefore, the rejection is improper at least for this reason and should be withdrawn.

D. Claim 50 was improperly rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No 5,832,298 by Sanchez et al. (“Sanchez”).

Appellants contend that claim 50 was improperly rejected because the Sanchez reference does not disclose all the elements and limitations of the claims.

1. The Sanchez reference does not disclose all the elements and limitations of Appellants’ claim 50 in that an extensible resource interface at a first network node that collects resource information from a resource located at a second network node, and that provides a customized user interface to a client device at the second network node, is absent from the reference.

Claim 50 recites:

“50. The system of claim 31, wherein the other network node is one of the plurality of second network nodes.” (emphasis added)

The network topology of claim 31 recites that the one or more resources are located at other than the first network node. Claim 50 further limits the location of the resources by reciting that the other network node one of the plurality of second network nodes at which the client devices are located.

In the final rejection, the Office repeated for claim 50 the rationale that had been advanced with regard to claim 49, discussed heretofore. For similar reasons as stated above, the Sanchez reference does not teach the placement of system elements (the extensible resource interface, client devices, and resources) at the specific nodes recited in claim 50 or in its base claim 31. More specifically, the Sanchez reference does not teach that an extensible resource interface is located at a first network node, that client devices are located at second network nodes different from the first network node, and that a resource is located at one of the plurality of second network nodes. Regardless of whether the Sanchez reference is interpreted as having an extensible resource interface at MDC 13 (the same network node as the resource) or at one of computers 11,12 (the same network node as the client device), the network topology of the Sanchez reference does not disclose the claimed limitation that the resource and one of the client devices are located at the same network node.

Accordingly, the Sanchez reference does not disclose all the elements and limitations recited in Applicants’ dependent claim 50 and its base claim 31. Therefore, the rejection is improper at least for this reason and should be withdrawn.

E. Claims 52-53 were improperly rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No 5,832,298 by Sanchez et al. (“Sanchez”).

Appellants contend that independent claim 52, and its dependent claim 53, were improperly rejected because the Sanchez reference does not disclose all the elements and limitations of the claims.

1. The Sanchez reference does not disclose all the elements and limitations

of Appellants' independent claim 31 in that an extensible resource interface at a first network node that collects resource information from a resource located at other than the first network node, and that provides a customized user interface to a client device at a second network node, is absent from the reference.

Claim 52 recites:

“52. A network-based user interface system, comprising:
an extensible resource interface located at a first network node and adapted for coupling to a plurality of client devices each located at one of a plurality of second network nodes different from the first network node, the extensible resource interface including means for collecting resource information from one or more resources located at other than the first network node; and
means for providing over the network from the extensible resource interface to a particular one of the client devices a customized user interface for a particular one of the resources, the customized user interface based on the resource information and on user preferences associated with the particular one of the client devices, the customized user interface further displayable by the particular one of the client devices.” (emphasis added)

Claim 52 recites a network topology in which an extensible resource interface is located at a first network node, a plurality of client devices are each located at one of a plurality of second network nodes different from the first network node, and resources from which the extensible resource interface (via its collecting means) collects resource information are located at other than the first network node. Such a topology is illustrated in Fig. 2, reproduced heretofore, for extensible resource interface 150, client devices 130, and resources 140,133,134.

As explained heretofore with reference to claim 31, the Sanchez reference discloses a completely different network topology. In the Sanchez reference, if the extensible resource interface is considered to be located at the network node of MDC 13, then claim 52 is not anticipated by the Sanchez reference in that the extensible resource interface is located at the same network node as the resource. If the extensible resource interface is considered to be located at either computing equipment 11 or laptop computer 12, then claim 52 is not anticipated by the Sanchez reference in that the extensible resource interface is located at the same network node as a client device.

In the final rejection, the Office cites the same sections of the Sanchez reference cited against claim 31, which have been traversed heretofore. With regard to the limitation of “means for collecting resource information from one or more resources located at other than the first network node”, and for similar reasons as have been previously discussed with reference to claim 31, the interpretation of the Office would place the collecting means, and thus the extensible resource interface, at the same network node as the user’s workstation, which is the client device. This is contrary to the limitations recited in claim 52.

Then with regard to the limitation of “means for providing over the network from the extensible resource interface to a particular one of the client devices a customized user interface for a particular one of the resources”, and also for similar reasons as have been previously discussed with reference to claim 31, the interpretation of the Office would place the providing means, and thus the extensible resource interface, at MDC 13, which is at the same network node as the resource (copier 16). Not only is this contrary to the limitations recited in claim 52, but it is also inconsistent with the interpretation advanced by the Office with regard to the collecting means.

Accordingly, the Sanchez reference does not disclose all the elements and limitations recited in Applicants’ claim 52, or in its dependent claim 53. Therefore, the rejection is improper at least for this reason and should be withdrawn.

VIII. CONCLUSION

Appellants contend that claims 31-53 were improperly rejected because the applied reference does not disclose all of Appellants’ claim elements and limitations. This distinguishes Appellants’ claims from the cited reference and makes Appellants’ claims not anticipated by the cited reference.

Overruling of the Examiner’s rejections of claims 31-53 is respectfully requested.

**AUTHORIZATION TO PAY AND PETITION
FOR THE ACCEPTANCE OF ANY NECESSARY FEES**

If any charges or fees must be paid in connection with the foregoing communication (including but not limited to the payment of an extension fee or issue fees), or if any overpayment is to be refunded in connection with the above-identified application, any such charges or fees, or any such overpayment, may be respectively paid out of, or into, the Deposit Account No. 08-2025 of Hewlett-Packard Company. If any such payment also requires Petition or Extension Request, please construe this authorization to pay as the necessary Petition or Request which is required to accompany the payment.

Respectfully submitted,



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IX. CLAIMS APPENDIX

31. A network-based user interface system, comprising:

an extensible resource interface located at a first network node and adapted for coupling to a plurality of client devices each located at one of a plurality of second network nodes different from the first network node, the extensible resource interface including

a register configured to collect resource information from one or more resources located at other than the first network node;

an options module configured to provide resource options based on the resource information;

a user profiler configured to construct profiles for at least some of the client devices, each profile indicative of client-specific resource options; and

a user interface builder configured to construct from the resource options and a particular one of the profiles a customized user interface for display by the corresponding one of the client devices and further configured to provide the customized user interface to the corresponding one of the client devices over the network, the customized user interface indicative of the corresponding client-specific resource options.

32. The system of claim 31, wherein the customized user interface is provided to the corresponding one of the client devices.

33. The system of claim 31, wherein the customized user interface is retained by the user interface system.

34. The system of claim 31, wherein the first network node is a node in a local area network.

35. The system of claim 31, wherein the first network node is an Internet web site.

36. The system of claim 31, wherein the customized user interface comprises a user interface to a printer driver.

37. The system of claim 36, wherein the customized user interface comprises a hierarchical menu of printer option screens, wherein one or more of the printer option screens is provided dynamically based on user preferences, printer capabilities, and user print option selection.

38. The system of claim 31, wherein the user profiler is further configured to record the client-specific resource options preferred by individual ones of the client devices.

39. The system of claim 38, wherein the user profiler is further configured to record the preferred client-specific resource options as usage metrics.

40. The system of claim 31, wherein the customized user interface is pre-built.

41. The system of claim 31, wherein the customized user interface is built when the corresponding one of the client device registers with the user interface system.

42. The system of claim 31, wherein the customized user interface is rebuilt when the corresponding one of the client device changes preferences.

43. The system of claim 31, wherein the one or more resources is a plurality of resources.

44. The system of claim 31, wherein the resources are printers.

45. The system of claim 31, wherein each profile includes at least one of a printer

type, a print language, a print media size, or a print media layout.

46. The system of claim 31, wherein a particular one of the client devices and a particular one of the resources are located at a same network node, wherein the user interface builder provides at least part of an application program associated with the particular resource to the particular client device, wherein the application program is configured to control the particular resource, and wherein the customized user interface is configured to access the application program.

47. The system of claim 31, wherein the extensible resource interface further includes a logger configured to capture usage data of the resources by the client computers.

48. The system of claim 31, wherein each of the client devices is a device selected from the group consisting of a computer, a computer system, a file server, or a handheld computing device

49. The system of claim 31, wherein the other network node is a third network node different from the first network node and the plurality of second network nodes.

50. The system of claim 31, wherein the other network node is one of the plurality of second network nodes.

51. The system of claim 31, wherein the resource options are indicative of operational features of the resources.

52. A network-based user interface system, comprising:
an extensible resource interface located at a first network node and adapted for coupling to a plurality of client devices each located at one of a plurality of second network nodes different from the first network node, the extensible resource interface including

means for collecting resource information from one or more resources located at other than the first network node; and

means for providing over the network from the extensible resource interface to a particular one of the client devices a customized user interface for a particular one of the resources, the customized user interface based on the resource information and on user preferences associated with the particular one of the client devices, the customized user interface further displayable by the particular one of the client devices.

53. The system of claim 52, comprising:

means for recording usage metrics indicative of the user preferences.

X. EVIDENCE APPENDIX

None

XI.RELATED PROCEEDINGS APPENDIX

None